IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 23337 of 2007(C)

PETITIONER:

ZAKKIR HUSSAIN,
S/O.JAMALUDEEN, THUMBIKUNNATHU VEEDU,
EDAMAN POST, PUNALOOR, KOLLAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR.

RESPONDENTS:
----

1. **THE CIRCLE INSPECTOR OF POLICE,**
   PUNALOOR POLICE STATION, KOLLAM DISTRICT.

2. **THE CONVENOR,**
   CITU., KOTTAVATTOM P.O., KOLLAM DISTRICT.

3. **THE CONVENOR,**
   AITUC., KOTTAVATTOM P.O., KOLLAM DISTRICT.

4. **THE CONVENOR,**
   KTUC (B)., KOTTAVATTOM P.O.,
   KOLLAM DISTRICT.

5. **THE CONVENOR,**
   INTUC., KOTTAVATTOM P.O.,
   KOLLAM DISTRICT.

6. **THE CONVENOR,**
   CMP., KOTTAVATTOM P.O.,
   KOLLAM DISTRICT.

prv.

W.P.(C). NO.23337/2007:

7. THE CONVENOR,
CITU., CHAKKUVARAKKAL P.O.,
KOLLAM DISTRICT.

8. THE CONVENOR,
B.M.S., CHAKKUVARAKKAL P.O.,
KOLLAM DISTRICT.

9. THE CONVENOR,
AITUC., CHAKKUVARAKKAL P.O.,
KOLLAM DISTRICT.

10. THE CONVENOR,
KTUC., CHAKKUVARAKKAL P.O.,
KOLLAM DISTRICT.

BY ADV. SMT.AYSHA YOUSEFF,
SMT.MOLLY JACOB,
GOVT. PLEADER SRI. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.23337/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE AGREEMENT DTD. 21/04/2007 EXECUTED BY THE PETITIONER AND VALSAMMA.

EXT.P.2: COPY OF THE COMPLAINT DTD. 02/06/2007 GIVEN BY THE PETITIONER TO THE R.1.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE REPRESENTATION DTD. 10/07/2008 SUBMITED BY THE RESPONDENTS 8 TO 12 BEFORE THE ASSISTANT LABOUR OFFICER, KOTTARAKKARA.

EXT.R3.B: COPY OF THE AGREEMENT DTD. 20/03/2001 BETWEEN THE MEMBERS OF THE RESPONDENTS AND ONE SURENDRAN.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 23337 OF 2007-C

Dated 26th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner purchased 120 rubber trees as per Ext.P1 agreement. He wants to cut and remove those trees. But, the workmen who belonged to Kottavattom and Chakkuvarakkal areas come forward, saying that they are entitled to do the work. Because of the dispute between the two groups of workmen from Kottavattom and Chakkuvarakkal, the petitioner is not able to cut and remove those trees. Therefore, he has preferred Ext.P2 representation before the C.I of Police, the 1st respondent herein and thereafter, this writ petition is filed, seeking appropriate reliefs.

2. Though notice was served, respondents 7 to 10 did not appear. A counter affidavit has been filed on behalf of respondents 2 to 6. According to them, the trees stand in their area and therefore, they are entitled to do the work. They also point out that they have moved the Assistant Labour Officer, Kottarakkara to interfere in the matter and resolve the dispute.

They have also produced Ext.R3(b) agreement entered into between them and another person who purchased the trees, like the petitioner.

3. This being a labour dispute, the police cannot interfere with the same or take a decision. But, the petitioner is entitled to cut and remove the trees he has purchased. Though the petitioner claims he has got his own workmen, we feel that it is only appropriate that the local workmen are allowed to do the work. But, the dispute between them has to be settled first. So, the petitioner along with a copy of this judgment may move the Assistant Labour Officer, Kottarakkara. In that event the said officer will hear the respondents 2 to 10 and render a decision as to who should be permitted among the workmen to do the loading and unloading work. This decision, he shall take within two weeks from the date of production of a copy of this judgment. The police shall render protection to implement the decision rendered by the Assistant Labour Officer in this dispute. It is clarified that he shall endeavour to settle the matter by negotiation and if no settlement is arrived at, he need not forward the file to the District Labour Officer. But, he can decide the dispute by himself. It is further clarified that the decision of the Assistant Labour Officer will be only for the purpose of granting police protection. In other words, the said decision will not

affect the rights of the parties in future disputes.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/